

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re: James Anthony Ryan, III) Case No: 25-30541
aka Jim Anthony Ryan) Chapter 13

OBJECTION TO CONFIRMATION

COMES NOW, Susan H. Call, Counsel for Carl M. Bates the Chapter 13 Trustee, and moves this Court to deny confirmation of the Chapter 13 Plan filed on February 27, 2025, for the cause as follows:

1. The Debtor filed this Chapter 13 Petition on February 13, 2025 under 11 U.S.C. Chapter 13, now pending in the United States Bankruptcy Court, Eastern District of Virginia, Richmond Division.
2. This Objection is filed pursuant to 11 U.S.C. 1325 (b) (1) (B) and (a)(4).
3. The above filed Chapter 13 Plan fails to provide that all of the debtors' projected disposable income in the applicable commitment period will be applied to the plan payments, shown by:
 - a. The debtors are above median based upon income listed on Form 122C Part 1, and completed the Part II of the Form to determine the required distribution to the unsecured claimholders as required by line 45 of Form 122C.
 - b. The trustee requests current pay stubs to calculate any changes in income and deductions.
 - c. On Form 122C part II, the debtors deduct \$2,999.65 on line 16, tax liability, but based upon stubs provided, the liability is \$2,000.88, which is an overstatement of \$998.77 and which increases line 45 of the Form 122C.
 - d. The debtors deduct \$901.25 on line 41 for retirement contribution and loans, then the debtor deduct \$378.30 on line 43 for future contribution after the loans are repaid. This deduction on line 43 is a duplication, and should not be allowed. This would increase line 45 of Form 122C.
 - e. The case does not pay sufficient funding to pay the required amount of secured and unsecure debts as required to meet the 100% distribution to joint unsecured claimholders for tenants by entireties equity.
 - f. The trustee suggests the Form 122C be corrected by amendment, and that all required income be paid into the case.

WHEREFORE, for the reasons stated herein, the Chapter 13 Trustee, by Counsel, Susan H. Call, respectfully moves the Court to deny confirmation of the Debtors' proposed Chapter 13 Plan as filed with the Court, and for such further and other relief as in the premises may seem just.

Date: April 9, 2025

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates, Chapter 13 Trustee

Certificate of Service

I hereby certify that on April 9, 2025, I have mailed or hand-delivered a true copy of the foregoing Objection to Confirmation to the debtor(s), James Anthony Ryan, III, 5729 Shady Mill Way, Glen Allen, VA 23059 and electronically sent to debtor's attorney, Veronica D. Brown-Moseley, Esquire, veronica@fflegalva.com.

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates, Chapter 13 Trustee

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Debtor Address 5729 Shady Mill Way
Glen Allen, VA 23059

Last four digits of Social Security No(s): 6472

NOTICE OF OBJECTION TO CONFIRMATION

Susan H. Call, Counsel for Carl M. Bates the Chapter 13 Trustee, has filed papers with the Court objecting to confirmation of your Chapter 13 Plan, which was filed in this case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the Court to grant the relief sought in the Objection, or if you want the Court to consider your views on the Objection, then on or before three (3) days before the date of the hearing, you or your attorney must:

X File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond, VA 23219

You must also mail a copy to:

Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee
P.O. Box 1819
Richmond, VA 23218

Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**

X Attend the hearing on the objection scheduled to be held on April 16, 2025 at 11:10 am at United States Bankruptcy Court, 701 East Broad Street, Richmond, VA 23219, Room 5000.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the objection and may enter an order granting that relief.

Date: April 9, 2025

/s/Susan H. Call

Susan H. Call, Counsel for
Carl M. Bates, Chapter 13 Trustee

Certificate of Service

I hereby certify that on April 9, 2025, I have mailed or hand-delivered a true copy of the foregoing Notice of Objection to Confirmation to the debtor(s) James Anthony Ryan, III, 5729 Shady Mill Way, Glen Allen, VA 23059 and electronically sent to debtor's attorney, Veronica D. Brown-Moseley, Esquire, veronica@fflegalva.com.

/s/Susan H. Call

Susan H. Call, Counsel for
Carl M. Bates, Chapter 13 Trustee